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Governor

STATE OF NEVADA



TERRY JOHNSON
Director, Business and Industry

ANDREW J. MACKAY
Chairman
MICHAEL J. KLOBERDANZ
Commissioner
MONICA B. METZ
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE JUNE 12, 2012 GENERAL SESSION

AGENDA

1. Call to Order

Commissioner Monica Metz called the General Session to Order at approximately 9:30a.m.

2. Roll Call

Present in Las Vegas: Commissioner Michael J. Kloberdanz, Commissioner Monica B. Metz, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief of Enforcement Michael Bradford, and Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Commissioner Kloberdanz led a recital of the Pledge.

4. Public Comment:

Frank Street, Reno-Sparks Cab voiced his concerns regarding pedi-cabs operating in Reno. Commissioner Metz noted that a similar issue was addressed in Las Vegas several years ago and offered to forward all of the information to Mr. Street.

5. Approval of Agenda

Administrative Attorney James Allen Day asked that Item 35 be removed from the Agenda at the request of the Petitioner. Mr. Day further noted that items in the Administrative Citations and Impoundments section are in a different order in the binders than on the Agenda, but both are complete and no modifications to the Agenda were required. Applications Manager Liz Babcock noted that on Item 51, there was a typographical error which would be addressed when that Item is discussed and the Order for Item 52 in the binder did not refer to Exhibit A, which has been emailed out and will also be addressed when that Item is discussed.

6. Approval of the Minutes of the May 9, 2012 Agenda Meeting

Approved 2-0

7. Briefings from the Commissioners

Commissioner Kloberdanz stated this was his sunset General Session and thanked the industries the Authority serves. Commissioner Metz thanked Commissioner Kloberdanz for his service. Commissioner Metz also thanked Chief of Enforcement Mike Bradford for his assistance in the past few weeks with the increased number of impounds and the enforcement effort at the Electric Daisy Carnival and thanked Staff for their continued efforts with regard to the Model Tow Tariff conversions. Administrative Attorney James Day read

an email from Chairman MacKay that echoed Commissioner Metz's thanks to Commissioner Kloberdanz, Enforcement and Staff for their efforts. Chairman MacKay also welcomed the newly appointed Commissioner, George Assad.

8. Briefing from the Deputy Commissioner

None.

9. Report of Legal Counsel

Senior Deputy Attorney General David Newton stated the Opening Brief in the Handicab matter is due from the Appellants on Thursday, June 14, 2012.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Item 10 was considered separately. Items 11 thru 30 were considered collectively and approved 2-0.

10. Citation 16130 issued to Rodolfo Rico Villa for a violation of NAC 706 as amended by LCB File No. R127-07. (AJM)

Respondent Rodolfo Villa was present. Mr. Villa expressed his concerns about the circumstances of the Citation, but did not wish to withdraw his assent to the stipulations in the matter. Commissioner Kloberdanz stated he concurred with Chairman MacKay's decision. Approved 2-0 with no modification.

11. Citation 15316 issued to Peter A. Spotti for a violation of NAC 706.228 as amended by LCB File No. R127-07. (MJK)

12. Citation 15659 issued to Oganess Madaryan for a violation of NAC 706.247/49 CFR 391.51(7)(i). (MJK)

13. Citation 15803 issued to ABC Towing for violations of NAC 706.420 as amended by LCB File No. R112-10 (9 counts) and NRS 706.4477/NAC 706 as amended by LCB File No. R075-08 (3 counts). (MJK)

14. Citation 15774 issued to SNAP Towing for violation of NAC 706.420 as amended by LCB File No. R075-08 (5 counts). (MJK)

15. Citation 15718 issued to Eric Richard Edwards for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.228(3) as amended by LCB File No. R127-07. (MJK)

16. Citation 15729 issued to Frank Angelo Fiore for violations of NAC 706.354 and NAC 706.329. (MJK)

17. Impound 1986 and Citation 15785 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15785 issued to Edwin Ferdman for violations of NRS 706.386 and NRS 706.758. (MJK)

18. Impound 1987 and Citation 15789 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15789 issued to Matthew Krainski for violations of NRS 706.386 and NRS 706.758. (MJK)

19. Citation 14473 issued to A.R. Fairman d/b/a No Stress Express for violations of NRS 706.386 and NRS 706.758. (MBM)

20. Citation 15677 issued to Tri-State Towing for violations of NRS 706.4477/NAC 706 as amended by LCB File No. R075-08. (MBM)

- 21. Citations 15702 and 15703** issued to Ismael Taha Habib for a violations of NAC 706 as amended by LCB File No. R127-07(1), NAC 706.228 and NAC 706.354. (MBM)
- 22. Citation 15709** issued to Willie James Fisher for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.228(5). (MBM)
- 23. Citations 15710 and 15711** issued to Mulugeta Kebede Bour for violations of NAC 706 as amended by LCB File No. R127-07(1) (2 counts), NAC 706.354 (2 counts) and NAC 706.228 (2 counts). (MBM)
- 24. Citation 15780** issued to Michael Valenti for a violation of NAC 706 as amended by LCB File No. R127-07. (MBM)
- 25. Citation 15782** issued to Vardges Gulasarian for a violation of NAC 706 as amended by LCB File No. R127-07(1). (MBM)
- 26. Citation 15783** issued to Joshua Whitlock for violations of NRS 706.386 and NRS 706.758. (MBM)
- 27. Impound 1988 and Citation 15788** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15788 issued to Malieshadyaun Shomo for violations of NRS 706.386 and NRS 706.758. (MBM)
- 28. Citations 15707 and 15708** issued to Centennial Transportation, LLC for violations of NAC 706.140, NAC 706 as amended by LCB File No. R127-07(1) (2 counts), NAC 706.228 (2 counts), and NAC 706.353.
- 29. Citation 15781** issued to Ernesto Baca for a violation of NAC 706.228 as amended by LCB R127-07.
- 30. Citations 15827 and 15828** issued to Las Vegas VIP Limousines, LLC for violations of NAC 706.228, NAC 706 as amended by LCB File No. R127-07, NAC 706.353, and NAC 706.203.

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE TOW CAR SERVICE

- 31. Docket No. 11-08016** The Joint Application of Joseph Montana for authority to sell and transfer and of Steven Mack to purchase and acquire 50% of Rapid Tow, LLC d/b/a Rapid Tow, a carrier authorized to provide on-call irregular route transportation of vehicles requiring tow car service by tow car vehicle within the State of Nevada under Certificate of Public Convenience and Necessity (hereinafter “CPCN”) 7224, Sub 1. Staff investigation concluded.

Transferee Applicant Steven Mack was present and expressed his gratitude to Authority Staff. Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 2-0.

- 32. Docket No. 11-08021** The Application of Las Vegas Tows, LLC d/b/a Las Vegas Towing & Recovery for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 2-0 with modifications.

- 33. Docket No. 11-11001** The Application of Benjamin Villafuerta-Avila d/b/a Avila’s Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 2-0.

- 34. Docket No. 12-03008** The Application of Carlomagno Aguirre-Sanchez d/b/a Quick & Fair Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 2-0.

PETITIONS TO DEVIATE FROM REGULATION

- 35. Docket No. 12-05002** The Petition to Deviate from Regulation pursuant to NAC 706.1305 filed by CLS Nevada, LLC dba CLS Transportation, Las Vegas seeking Authority approval to deviate from NAC 706.228(3) as amended by LCB File No. R127-07. Specifically, the Petitioner seeks relief from obligations regarding displaying signs at the MGM Grand Hotel & Casino. (AJM)

Item pulled prior to consideration. Matter to be heard at a future General Session.

- 36. Docket No. 12-05023** The Petition to Deviate from Regulation pursuant to NAC 706.1305 filed by Bell Transportation, Presidential Transportation, Las Vegas Limousines, and On Demand Sedan Services, Inc. seeking Authority approval to deviate from NAC 706.228(3) as amended by LCB File No. R127-07. Specifically, the Petitioner seeks relief from certain obligations regarding displaying signs at McCarran International Airport. (AJM)

Kimberly Maxson-Rushton, Esq. was present on behalf of the Petitioners. Ms. Maxson-Rushton expressed her gratitude to Commissioner Kloberdanz for his service to the State. Ms. Maxson-Rushton summarized the Petition, noting that the carriers' current signage does not fully comply with applicable regulations, specifically with respect to size, "for hire" language, and rate details. Finally, Ms. Maxson-Rushton argued that the underlying public policy basis for the requirements are not in conflict with the carriers' current signage, particularly in light of the carriers' willingness to modify the signs to include current airport fee and fuel surcharge fee amounts. Commissioner Metz clarified that the current request is for deviation from NAC 706.228(3) as amended by LCB File No. R127-07 to address the following deficiencies: 1) with respect to NAC 706.228(3)(a), lack of "for hire" language; 2) with respect to NAC 706.228(3)(b), exceeding sign size limits; 3) with respect to NAC 706.228(3)(c), failure to meet minimum size and visibility requirements for lettering. Chief Inspector Mike Bradford stated that Staff would oppose only a deviation from the requirement to post the current airport fee and fuel surcharge fee. In response to a question from Senior Deputy Attorney General Newton, Ms. Maxson-Rushton stated that carriers would assure that specific rates are posted for each available vehicle type, rather than a general statement such as "\$35.00 and up." By a vote of 2-0, Petition approved with respect to the three items enumerated above, and denied with respect to the requirement to post current airport and fuel surcharge fees.

PETITIONS FOR RECONSIDERATION

- 37. Docket No. 12-05031** Petition for Reconsideration of the Authority's May 16, 2012 Order in the matter of Citation 15625 issued to Rapid Tow, LLC for a violation of NRS 706.4477. Respondent seeks a rehearing of the matter to allow the Respondent to appear. (MBM)

Owner Steven Mack was present on behalf of the Respondent. Mr. Mack stated that he has discharged the company manager who was responsible for the missed hearings. Mr. Mack further stated that he would like the opportunity to dispute the underlying charges. Commissioner Metz recommended that the final Order be set aside and the Citation reset for hearing. Petition granted and new hearing ordered by a vote of 2-0.

FINANCIAL RATES AND TARIFFS

Items 38 – 52 were considered collectively and approved 2-0.

- 38. Docket No. 11-11017 #5** The Application of GDT of Nevada, LLC d/b/a Fallon Towing and Recovery for approval of a tariff rate modification for tow car services conducted under CPCN 7101, Sub 1. Staff investigation concluded.
- 39. Docket No. 11-11017 #8** The Application of J & N Enterprises, LLC d/b/a Silver State Towing of Northern Nevada for approval of a tariff rate modification for tow car services conducted under CPCN 7183. Staff investigation concluded.
- 40. Docket No. 11-11017 #11** The Application of Robert Van Camp & Mikki Van Camp d/b/a Van Camp Towing & Road Service for approval of a tariff rate modification for tow car services conducted under CPCN. Staff investigation concluded.
- 41. Docket No. 11-11017 #13** The Application of Roy Testa d/b/a Welcome's Auto Body Towing for approval of a tariff rate modification for tow car services conducted under CPCN 7017, Sub 3. Staff investigation concluded.
- 42. Docket No. 11-11017 #22** The Application of D & S Tow, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7045, Sub 1. Staff investigation concluded.
- 43. Docket No. 11-11017 #27** The Application of La Familia Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7139. Staff investigation concluded.
- 44. Docket No. 11-11017 #29** The Application of Anderson Towing Services, Inc. d/b/a Anderson Towing & Transport for approval of a tariff rate modification for tow car services conducted under CPCN 7159. Staff investigation concluded.
- 45. Docket No. 11-11017 #31** The Application of Terry Escoffier d/b/a High Desert Towing & Recovery for approval of a tariff rate modification for tow car services conducted under CPCN 7282. Staff investigation concluded.
- 46. Docket No. 11-11017 #37** The Application of Scott DeChambeau d/b/a South Tahoe Towing for approval of a tariff rate modification for tow car services conducted under CPCN 7050, Sub 1. Staff investigation concluded.
- 47. Docket No. 11-11017 #41** The Application of Dennis F. Marsh d/b/a Denny's Automotive for approval of a tariff rate modification for tow car services conducted under CPCN 7065. Staff investigation concluded.
- 48. Docket No. 11-11017 #47** The Application of Ewing Bros. Inc. d/b/a Walker Towing for approval of a tariff rate modification for tow car services conducted under CPCN 7023, Sub 2. Staff investigation concluded.
- 49. Docket No. 11-11017 #50** The Application of Battleborn Restoration, LLC for approval of a tariff rate modification for tow car services conducted under CPCN 3183, Sub 2. Staff investigation concluded.
- 50. Docket No. 11-11017 #57** The Application of Ewing Bros., Inc. d/b/a Ewing Bros. Auto Body for approval of a tariff rate modification for tow car services conducted under CPCN 3269. Staff investigation concluded.
- 51. Docket No. 11-11017 #75** The Application of A & G Towing & Storage, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7161, Sub 1. Staff investigation concluded.
- 52. Docket No. 11-11017 #76** The Application of A-1 Towing & Storage, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7110, Sub 1. Staff investigation concluded.

53. Docket No. 12-03010 The Application of Move 4 Less, LLC d/b/a Move 4 Less, MoveU4Less.com for approval of a tariff rate modification for the transportation of household goods conducted under CPCN 3344, Sub 3. Staff investigation concluded.

Mr. Mohi Perez, Owner of Move 4 Less, requested an additional rate be included. Applications Manager Liz Babcock indicated the rate was reasonable and Staff supports the Application. Approved as modified 2-0.

54. Docket No. 12-03017 The Application of RET Services, Inc. for approval of a tariff rate modification for charter limousine services conducted under CPCN 1104. Staff investigation concluded.

Kimberly Maxson-Rushton, Esq. appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 2-0.

55. Docket No. 12-05007 The Application of Baumbach Enterprises, LLC d/b/a Milne Towing for approval of a tariff rate modification for tow car services conducted under CPCN 8003, Sub 5. Staff investigation concluded.

Tom Baumbach, Owner of Milne Towing, was present on behalf of the Applicant. Commissioner Metz requested the carrier file a separate petition for the relocation tow portion of the modification request so that a hearing officer can be assigned and noted that the written protest filed will be addressed under said petition. Applications Manager Liz Babcock summarized and indicated Staff support. Approved as modified 2-0.

56. Docket No. 12-05010 The Application of Whittlesea Checker Taxi, Inc. d/b/a Whittelsea Checker Taxi for approval of a tariff rate modification for taxi services conducted under CPCN 2118. Staff investigation concluded.

Items 56 thru 60 were considered collectively.

Applications Manager Liz Babcock summarized the Application requests, stating that these are within the industry standard for the geographic area and that Staff supports the Applications. All compliance items are consistent throughout the dockets. Approved 2-0.

57. Docket No. 12-05012 The Application of Reno Cab Company, Inc. d/b/a Reno-Sparks Cab Company for approval of a tariff rate modification for taxi services conducted under CPCN 1025, Sub 1. Staff investigation concluded.

58. Docket No. 12-05013 The Application of Yellow Cab or Reno, Inc. d/b/a Star Taxi, Deluxe Taxi, and Yellow Cab for approval of a tariff rate modification for taxi services conducted under CPCN 1014, Sub 2. Staff investigation concluded.

59. Docket No. 12-05014 The Application of Roy L. Street, d/b/a Capital Cab Company for approval of a tariff rate modification for taxi services conducted under CPCN 2445, Sub 3. Staff investigation concluded.

60. Docket No. 12-05029 The Application of Phyllis J. Clemmer d/b/a Fernley Taxi Service operated by Roy L. Street, d/b/a Capital Cab Company for approval of a tariff rate modification for taxi services conducted under CPCN 1030, Sub 1. Staff investigation concluded.

61. Public Comment :

David Walker, Walker Towing, stated the model tow tariff example that was confusing was still included and should be deleted. Staff will be deleting the confusing example by striking through.

62. Adjournment: *Meeting adjourned 10:44 a.m.*